

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Acting Chief, Criminal Division

SUSAN B. GRAY (CSBN 100374)
Assistant United States Attorney

450 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
Telephone: 415.436.7324
Facsimile: 415.436.6748
Email: Susan.B.Gray@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
APPROXIMATELY \$61,505 IN UNITED)
STATES CURRENCY,)
)
Defendant.)

No. 07-5413 MMC

STIPULATED REQUEST TO CONTINUE
SUPPRESSION HEARING
AND ~~(PROPOSED)~~ ORDER

The United States, and Claimant Joseph Alioto, Jr, by and through his attorney, David. M. Michael, submit this joint request to continue the hearing on the claimant's motion to suppress currently scheduled in the above entitled case from December 12, 2008, to any of the dates suggested below, for the reasons set forth below.

After consultation this afternoon, the parties agree that additional discussions between the parties may help to narrow the issues before the court and allow for stipulated facts which would lessen the court time necessary for the motion hearing. The parties request that the hearing be continued to any of the following dates, January 26, 27, 28, or 30, or February 3, 4 or 6.

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1 In the alternative, if the court's calendar does not permit a 30 to 60 day extension the
2 parties agree to referral to a Magistrate Judge for the hearing and findings of fact and conclusions
3 of law.

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5 Respectfully submitted,

6 JOSEPH P. RUSSONIELLO
7 United States Attorney

8 Dated: December 11, 2008

9
10 /S/
11 SUSAN B. GRAY
12 Assistant United States Attorney

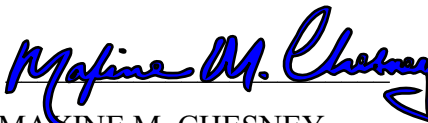
13
14 Dated: December 11, 2008

15 /S/
16 DAVID M. MICHAEL, ESQ.
17 Attorney for Claimant Frank Joseph Alioto, Jr.

18
19 GOOD CAUSE APPEARING, the hearing currently set for Claimant's Motion to
20 hereby VACATED. Counsel shall submit, no later than Thursday,
21 Suppress on December 12, 2008, is continued to _____, 2009.
22 December 18, 2008 at 5:00 p.m., a jointly-proposed supplemental briefing schedule and
23 ~~IT IS SO ORDERED~~ hearing date.

24 IT IS SO ORDERED.

25 Dated: December 11, 2008

26
27 
28 MAXINE M. CHESNEY
United States District Judge